

10/507478

ATTORNEY'S DOCKET TAN-344

DT04 Rec'd PCT/PTO PATENT SEP 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:            )  
  )  
Kazunari DOMEN, et al.               )  
  )  
Serial No. Unassigned                 )  
  )  
Filed: Concurrently                    )

Group Art Unit:  
  
Examiner: Unknown

For: A PROCESS FOR PRODUCING MICRO-MESOPOROUS METAL OXIDE HAVING  
REGULATED PORES BY NOVEL TEMPLATE REMOVAL METHOD

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. §1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

[ X ] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. §1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[ ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. §1.113, or a notice of allowance under 37 C.F.R. §1.311.

The enclosed statement is accompanied by [check one]:

- [ ] i. a certification in part (e) below as specified in 37 C.F.R. §1.97(e), or  
[ ] ii. a check in the amount of \$            required by 37 C.F.R. §1.17(p).

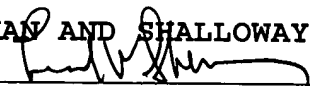
[ ] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. §1.113, or a notice of allowance under 37 C.F.R. §1.311, but before payment of the issue fee.

PETITION: It is requested that the information being submitted be considered. [NOTE: If box (c) is checked, the following two boxes must be checked.]

- ☐ PETITION FEE: A check for \$180.00 required by 37 CFR \$1.17(p), is enclosed.
- ☐ CERTIFICATION is attended to in box (e) below.
- ☐ d. The enclosed statement is being filed pursuant to 37 C.F.R. \$1.97(i), for placement in the file.
- ☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]
- ☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,
- or
- ☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. \$1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- or
- ☐ Appropriate certification is attached.
- ☒ f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 19-1980.

Respectfully submitted,

**SHERMAN AND SHALLOWAY**

  
Attorney for Applicants

Leonard W. Sherman

Reg. No. 19,636

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TAN-344

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DT04 Rec'd PCT/PTO <sup>PATENT</sup> 13 SEP 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Kazunari DOMENI, et al.

Serial No.: Unassigned

Group:

Filed: Concurrently

Examiner:

FOR: A PROCESS FOR PRODUCING MICRO-MESOPOROUS METAL OXIDE HAVING  
REGULATED PORES BY NOVEL TEMPLATE REMOVAL METHOD

Date: September 13, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with their obligation under 37 C.F.R. §1.56, Applicants would like to call the Examiner's attention to the document listed on the attached form SB-08B.

Applicants note that this document was cited in the International Search Report as "Chusei Template o Michiita Ko Hyomenseki Microporous Sanka Niobium no Gosei oyobi Characterization" and is an abstract of a presentation made by the inventors and applicants herein at the 88<sup>th</sup> Catalytic Forum of Catalytic Society on October 12, 2001. The original document

is in Japanese and an English language translation is attached

Applicants respectfully note that the abstract was prepared for the conference on September 20, 2001, but was not actually distributed to the public until the beginning of the conference on October 9, 2001, and was, therefore, not a "printed publication" until the later date. The test for whether or not a reference is a "printed publication" under 35 USC §102(b) is the public's access to the reference. Thus, a reference is a "printed publication" if the document was disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, could locate the document. *In re Wyer*, 210 U.S.P.Q. 790 (CCPA 1981).

Accompanying the document and its English translation is statement and English language translation attested to by Koichi Segawa, Chairman of the Catalytic Society, and bearing his seal, confirming that the subject abstract was not publicly distributed until the beginning of the conference on October 9, 2001, (Exhibit A). Also accompanying the document are copies of the first page of the list of papers showing the dates and location of the conference, with an English language translation of that information, (Exhibit B), and the conference schedule for October 12, 2001, showing the session at which the presentation was made, with an English language translation thereof, (Exhibit C).

Inasmuch as the international filing date of PCT/JP02/10282, of which the present application is the U.S. national stage, was October 2, 2002, less than one year after the dissemination date of the abstract, Applicants respectfully submit that the abstract is not a "printed publication" citable in the present application under 35 USC §102(b).

In addition, Applicants note that the abstract lists, as authors in addition to the inventors herein, Ru Dairin and Michikazu Hara. Applicants Domen, Nomura and Ri respectfully point out that authors Ru and Hara were research workers at the Tokyo Institute of Technology working under the direction and supervision of the inventors, Domen, Nomura and Ri, and are therefore not considered co-inventors of the subject matter described in accordance with *In re Katz*, 215 U.S.P.Q. 14 (CCPA 1982). In support thereof, Applicants herewith submit their Declaration under 37 CFR §1.132, accompanied by an Affidavit of the Inventors in Japanese, with an English language translation, (Exhibit D), and an affidavit of the collaborators, Ru and Hara, in Japanese with an English language translation, (Exhibit E).

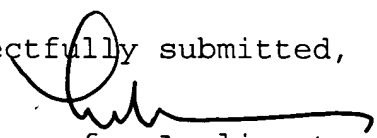
In view of the foregoing, Applicants respectfully submit that the document listed on the attached form SB-08B and cited in the International Search Report is not citable as a reference in the subject application.

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Applicants are not aware at this time of any other prior art which could be considered to be relevant to the present application.

Respectfully submitted,

  
Attorney for Applicants  
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Approved for use through 07/31/2006. OMB 0651-0031  
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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

**Complete if Known**

Application Number

10/507478

Filing Date

**First Named Inventor**

Kazunari DOMEN

Art Unit

Examiner Name

Attorney Docket Number

TAN-344

Sheet

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## NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**1** Applicant's unique citation designation number (optional). **2** Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

***If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.***

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